

PUBLIC VERSION – CONTAINS REDACTED INFORMATION

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2021-____-C

IN RE:

Joint Application of Charter Fiberlink SC-CCO,)
LLC and Time Warner Cable Information Services)
(South Carolina), LLC for Designation as Eligible)
Telecommunications Carriers to Receive Rural)
Digital Opportunity Fund Auction (Auction 904))
Support for Voice and Broadband Services and)
Request for Expedited Consideration.)
_____)

**JOINT APPLICATION OF CHARTER FIBERLINK SC-CCO, LLC AND TIME
WARNER CABLE INFORMATION SERVICES (SOUTH CAROLINA), LLC FOR
DESIGNATION AS ELIGIBLE TELECOMMUNICATIONS CARRIERS TO RECEIVE
RURAL DIGITAL OPPORTUNITY FUND AUCTION (AUCTION 904) SUPPORT FOR
VOICE AND BROADBAND SERVICES AND
REQUEST FOR EXPEDITED CONSIDERATION**

Charter Fiberlink SC-CCO, LLC (“Charter Fiberlink”) and Time Warner Cable Information Services (South Carolina), LLC (“TWCIS”, and together with Charter Fiberlink, each individually a “Charter Entity” and collectively the “Charter Entities”) respectfully submit this Joint Application for Designation as Eligible Telecommunications Carriers (“ETCs”) to the Public Service Commission of South Carolina (“Commission”) pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”),¹ Sections 54.201 and 54.202² of the Federal Communications Commission (“FCC”) rules, and the Commission’s requirements in S.C.

¹ 47 U.S.C. § 214(e)(2).

² 47 C.F.R. §§ 54.201 and 54.202.

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Code Regs. 103-690. For the reasons set forth below, the Charter Entities request that the Commission approve this Joint Application by no later than April 15, 2021.

On December 7, 2020, the FCC announced the winning bidders for the Rural Digital Opportunity Fund Phase I Auction (Auction 904) (“RDOF Auction”).³ CCO Holdings, LLC (“CCO Holdings”), an affiliate of the Charter Entities, was selected as a winning bidder in South Carolina.⁴ CCO Holdings assigned its winning RDOF Auction bids to TWCIS, who is the “lead operating company” with respect to such bids, and Charter Fiberlink must satisfy certain public interest requirements in connection with the bids.⁵ The Charter Entities’ receipt of RDOF Auction funding and building to these unserved areas, however, is conditioned upon them obtaining designation as ETCs in the Census Blocks where CCO Holdings was the winning bidder in South Carolina.⁶ The Census Blocks associated with CCO Holdings’ winning bids are identified in **Exhibits A and B** (“RDOF Census Blocks”). A map illustrating the RDOF Census Blocks is attached at **Exhibit C**. Accordingly, TWCIS and Charter Fiberlink seek ETC designation in the RDOF Census Blocks in their respective service areas in South Carolina so they may satisfy their FCC RDOF Auction requirements.

Section 214(e)(2) of the Act authorizes the Commission to designate a company that meets the requirements of 47 U.S.C. § 214(e)(1), such as each Charter Entity, as an ETC. As demonstrated in this Joint Application, each Charter Entity meets all requirements for ETC designation. Further, as shown by the descriptions herein, designating each Charter Entity as an

³ See *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidders Announced; FCC Form 683 Due January 29, 2021*, Public Notice, DA 20-1422 (Dec. 7, 2020) (“*Auction 904 Results Notice*”).

⁴ *Auction 904 Results Notice*, at Attachment A, p. 5.

⁵ See *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020; Notice and Filing Requirements and Other Procedures for Auction 904*, Public Notice, 35 FCC Rcd 6077 (2020) (“*Auction 904 Procedures Public Notice*”).

⁶ See *Auction 904 Results Notice*, at ¶ 36.

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ETC in its RDOF Census Blocks would allow the Charter Entities, either directly or through their affiliates,⁷ to bring high-quality, innovative voice and broadband Internet access services to consumers in unserved portions of South Carolina, advance the goals of universal service, and serve the public interest.

Ensuring that high-speed broadband service is available to those without access in the state has been a major priority of the Governor and its lawmakers. By granting this Joint Application, the Commission has the potential to bring significant public and private investment to South Carolina and to advance the state’s goals in making sure that more of its citizens have access to high-speed broadband Internet services. The FCC estimates that South Carolina has more than 108,833 unserved residential and small business locations,⁸ and granting this Joint Application will help to lower that number substantially. While the Charter Entities, through other Charter affiliates, have participated in state programs to advance broadband buildout in South Carolina, participation through RDOF presents a unique opportunity for South Carolina to do substantially more to bridge the digital divide in unserved areas.

In support of their Joint Application, the Charter Entities state as follows:

I. OVERVIEW OF THE CHARTER ENTITIES AND CHARTER

Charter Entities. Each Charter Entity is a Delaware limited liability company with a place of business at 12405 Powerscourt Drive, St. Louis, Missouri 63131. Both Charter Entities are majority owned and wholly controlled subsidiaries of Charter Communications, Inc. (“Charter”),

⁷ While the entity seeking ETC designation will directly provide the supported Lifeline voice services, different Charter affiliated entities may directly provide the broadband Internet access services and non-Lifeline voice services in the RDOF Census Blocks.

⁸ See *Auction 904 Results Notice*, at Attachment B, p. 3. The FCC defines “locations” as “housing units” and “small businesses” that receive “consumer-grade broadband service.” See *Wireline Competition Bureau Provides Guidance to Carriers Receiving Connect America Fund Support Regarding Their Broadband Location Reporting Obligations*, Public Notice, WC Docket No. 10-90, DA 16-1363 (2016).

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which is headquartered at 400 Atlantic Street, Stamford, Connecticut 06901. CCO Holdings and both Charter Entities are subsidiaries of Charter. A copy of each Charter Entity's registration with the South Carolina Secretary of State is attached at Exhibits D and E. Both Charter Entities are authorized by the Commission to provide local exchange telecommunications services in South Carolina. A copy of each Charter Entity's authorization is attached at Exhibits F and G.

Charter. Charter is a leading broadband connectivity company, serving more than 30 million customers nationwide. Under the brand name Spectrum, the company offers a suite of advanced communications services, including broadband Internet access, cable video, voice, and mobile services.⁹ Through its subsidiaries, Charter provides these services in 41 states, including to approximately 805,000 customers in South Carolina.

Helping to drive Charter's rapid growth is Charter's strong network investment which has significantly enhanced Charter's broadband Internet access service and allowed Charter to better serve its customers in both urban and rural communities across the United States. In 2018-2019, Charter extended its network to more than 1.5 million unserved homes and businesses, 30% of which were in rural areas. And from 2015 to 2019, Charter invested nearly \$40 billion in infrastructure and technology to expand the reach of its network.

Charter's customers directly benefit from Charter's commitment to and investment in its network. The FCC recently reported that Charter had one of the fastest, most consistent broadband Internet download speeds in the industry, including at peak times of the day when customer

⁹ Certain of the subjects and benefits discussed in this filing pertain to non-jurisdictional products and services. While those items are included herein in order to provide a comprehensive view of the public interest benefits of designating each Charter Entity as an ETC, the Charter Entities respectfully reserve all rights relating to the inclusion of or reference to such information, including without limitation the Charter Entities' legal and equitable rights relating to jurisdiction, filing, disclosure, relevancy, due process, review, and appeal.

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Internet usage is the highest.¹⁰ Additionally, recognizing Charter’s experience and commitment to its customers, its network, and its products, *Multichannel News* recently awarded Charter as its “Operator of the Year for 2020.”¹¹ With millions working and learning from home due to the COVID-19 pandemic, access to dependable, high-speed broadband Internet access services and reliable voice services has never been more important, especially in the unserved areas comprising the RDOF Census Blocks. Further, Charter’s network investment has spurred the development of products such as Charter’s Spectrum Mobile service, which relies on the use of the Verizon Wireless mobile network and Charter’s own broadband network infrastructure to provide fast, reliable broadband and voice services from customers’ mobile phones.

Charter is committed to being part of a comprehensive solution to close the digital divide throughout the United States. With more than \$1.2 billion in RDOF funding awarded to the company across the country, Charter plans to continue its efforts as a leader in rural broadband deployment, bringing innovative, high-quality voice and broadband Internet access service offerings to unserved communities. In South Carolina, the more than \$112 million of RDOF funding assigned to the Charter Entities will help enable Charter to expand the availability of its network and services in the RDOF Census Blocks. In fact, according to the FCC, it assigned Charter the most locations of any provider that participated in the RDOF Auction.

¹⁰ See *Ninth Measuring Broadband America Fixed Broadband Report, A Report on Consumer Fixed Broadband Performance in the United States*, FCC Office of Engineering and Technology (Aug. 3, 2020), pp. 15-16.

¹¹ See *Cover Story: Charter’s ‘Giffen Good,’* MultiChannel News (Sept. 28, 2020), <https://www.nexttv.com/features/cover-story-charters-giffen-good#:~:text=Charter%2C%20the%20Multichannel%20News%20Operator%20of%20the%20Year,it%20completed%20the%20purchase%20of%20Time%20Warner%20Cable> (last visited Dec. 13, 2020) (stating that Charter “has managed record broadband and positive video subscriber growth during the pandemic by sticking to its game plan, initiated more than four years ago ... [including setting] out to make Charter’s plant across its 41-state footprint fully digital (achieved in 2018), to roll out DOCSIS 3.1 (completed in 2018), to uniformly align products and packaging across all markets (as of Q4 2019, 85% of its customers were in Spectrum pricing and packaging) and to raise broadband speeds (in 2019, it raised the minimum speed to 200 Megabits per second for 60% of the footprint and that rate continues to grow; the remaining 40% are at 100 Mbps).”).

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Additional information discussing Charter’s RDOF funding in South Carolina is described at **Exhibit H**, which is being provided to the Commission in accordance with the Commission’s requirements for confidential information.

A. RDOF Support Assigned to the Charter Entities Will Enable Charter to Extend Voice Services to the RDOF Census Blocks

Charter provides voice communications services to over 9.3 million residential customers throughout its 41-state footprint using interconnected Voice over Internet Protocol technology.¹² Charter’s voice service offering includes unlimited long distance calling in the United States, Canada, Puerto Rico, the US Virgin Islands, and Guam. Calling features include voicemail, call waiting, caller ID, call forwarding, and other features, at no additional charge. In addition, the E911 feature automatically provides the emergency service operator with a caller’s phone number and location. With respect to its residential voice services, Charter offers customers a simplified pricing structure with plans that include all applicable fees¹³ – thus permitting such customers to know their total costs in advance of choosing Charter’s services, rather than facing a variety of complicated surcharges after they receive their first billing statement.¹⁴

The RDOF support assigned to each Charter Entity will help enable it to extend and maintain Charter’s voice services to and within its respective RDOF Census Blocks in South Carolina.

B. RDOF Support Assigned to The Charter Entities Will Enable Charter to Extend Broadband Internet Access Services to the RDOF Census Blocks

¹² See Press Release, Charter Communications, Inc., *Charter Announces Third Quarter 2020 Results* (Oct. 30, 2020), <https://corporate.charter.com/newsroom/charter-announces-third-quarter-2020-results>.

¹³ The rates, terms and conditions of Charter’s voice service plans are subject to change in accordance with applicable federal and state regulations.

¹⁴ The Charter Entities remit fees, such as federal or state universal service fund fees or E911 fees, to the appropriate regulatory agencies, where required, and in accordance with law, but do not generally collect them as separate line items on the bill, in addition to the monthly rate that residential customers pay for the Charter Entities’ voice services. All such fees are described in the Charter Entities’ invoices for voice services in accordance with applicable federal and state billing requirements.

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Charter's broadband Internet access services deliver industry-leading speeds to the vast majority of its 26.8 million residential broadband Internet customers.¹⁵ Charter now offers minimum download speeds of at least 200 Mbps in 60% of Charter's national footprint, and 100 Mbps everywhere else in the footprint—including households and small businesses in rural areas. On December 17, 2020, Charter announced that it plans to double Charter's broadband Internet access service starting speeds in 17 U.S. markets, including portions of Southeastern South Carolina near Hilton Head Island, making 200 Mbps the starting flagship speed in 75% of Charter's communities. These speed enhancements will be available to new customers immediately. Existing customers will receive these speed increases with new Charter broadband Internet access service packages during the first quarter of 2021.¹⁶

Charter also offers a 1 Gbps connection with maximum download speeds of up to 940 Mbps to the vast majority of those same households, as well as to small and medium-sized businesses.¹⁷ Additionally, recognizing the need for fast, reliable broadband service for community anchor institutions, Charter offers 10 Gbps symmetrical speed broadband Internet connections to schools, libraries, hospitals, and other important community institutions.

The RDOF support assigned to each Charter Entity will enable it to extend Charter's broadband Internet access services to its respective RDOF Census Blocks in South Carolina. The terms of the support assigned to each Charter Entity will require it to offer Charter's 1 Gbps connections in the RDOF Census Blocks. According to the FCC, these areas are currently

¹⁵ See *supra* note 12.

¹⁶ See Press Release, Charter Communications, Inc., *Spectrum Doubles Spectrum Internet Starting Speed to 200 Mbps in 17 Markets* (Dec. 17, 2020), <https://corporate.charter.com/newsroom/spectrum-doubles-internet-starting-speed-to-200-mbps>.

¹⁷ See *supra* note 12.

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unserved by any broadband provider offering service at or above 25/3 Mbps. Granting this Joint Application will help extend broadband and unleash tremendous benefits to the communities within these RDOF Census Blocks. Charter's broadband deployment demonstrates its commitment to developing and deploying innovative broadband technology and services in unserved and/or rural areas. Additionally, Charter's services will provide new and innovative services to previously unserved customers in the RDOF Census blocks, including by providing relief to customers struggling as a result of the COVID-19 pandemic. It will allow students and households to get or stay connected, and expand broadband Internet access and adoption among low-income households.

As part of its current broadband Internet access service plans, Charter offers *Spectrum Internet Assist*, a program for low-income households, which is available in its service area in South Carolina and elsewhere.¹⁸ Charter does not require customers to sign long-term contracts for its services nor does the company impose early termination fees for failing to fulfill them.¹⁹ Charter maintains a focus on ensuring that the broadband user experience is a positive one.²⁰

II. COMMUNICATIONS AND CORRESPONDENCE

Pleadings, orders, notices or other correspondence and communications regarding this Joint Application should be provided to:

Daniel Gonzalez
Group VP – State Regulatory Affairs

¹⁸ See *Spectrum Internet Assist*, Spectrum, <https://www.spectrum.com/browse/content/spectrum-internet-assist> (last visited Nov. 24, 2020). The rates, terms and conditions of Charter's *Spectrum Internet Assist* program are subject to change.

¹⁹ The rates, terms and conditions of Charter's Internet services are subject to change.

²⁰ In the years ahead, cable providers will deploy revolutionary 10 Gbps networks within their footprints. See Press Release, NCTA, *Introducing 10G: The Next Great Leap for Broadband* (Jan. 7, 2019), <https://www.ncta.com/media/mediar-room/introducing-10g>. Successful 10 Gbps field tests by cable providers in residential settings have already occurred, and CableLabs has released specifications for DOCSIS 4.0, a new technical standard, to bring 10 Gbps speed capabilities to consumers. 10 Gbps will deliver to customers broadband speeds 10 times faster than what is delivered by today's networks and will have the speed and capacity to change the way we live.

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III. CHARTER'S PARTICIPATION IN THE RDOF AUCTION

A. Background on the RDOF Auction

On February 7, 2020, the FCC issued a Report and Order establishing the Rural Digital Opportunity Fund, in which service providers would compete to receive up to \$20.4 billion to offer voice and broadband services in unserved high-cost areas.²¹ Under this program the FCC will disburse federal universal service funds on a technology neutral basis to providers—including competitive local exchange carriers, cable operators, fixed wireless ISPs, satellite broadband providers, electric co-ops and electric utilities—for deploying voice and broadband-capable networks in these unserved areas.

B. CCO Holdings' Selection as a Winning Bidder and Assignment to the Charter Entities

The FCC's December 7, 2020 *Auction 904 Results Notice* announced that CCO Holdings was among the winners of the recently concluded RDOF Auction.²² Specifically, the FCC announced CCO Holdings as a winning bidder in 11,936 Census Blocks in South Carolina. In accordance with the FCC's procedures allowing winning bidders to divide and assign their bids to affiliated operating companies within the relevant state,²³ CCO Holdings assigned its winning RDOF Auction bids to TWCIS, who is the "lead operating company" with respect to such bid, and Charter Fiberlink must satisfy certain public interest requirements in connection with the bids. Each Charter Entity must demonstrate to the FCC that it has been designated as an ETC in its respective RDOF Census Blocks where CCO Holdings was the winning bidder in South Carolina.

²¹ *Rural Digital Opportunity Fund*, Report and Order, 35 FCC Rcd 686 (2020) ("*RDOF Order*").

²² See *Auction 904 Results Notice*, at Attachment A, p. 4.

²³ See *Auction 904 Procedures Public Notice*, at ¶ 43.

The FCC's deadline for the Charter Entities to submit appropriate documentation of their ETC designations is June 7, 2021.²⁴

C. Need for Expedited ETC Designation

As noted, CCO Holdings has been selected as a winning bidder in the RDOF Auction for 11,936 Census Blocks in South Carolina. The timeframe for the Charter Entities to obtain ETC designation is short and, so that each Charter Entity may plan its RDOF construction and deployment schedule, the Charter Entities respectfully request that the Commission grant each of them ETC designation on an expedited basis by no later than April 15, 2021. Granting this Joint Application on an expedited basis will benefit the citizens of South Carolina by allowing the Charter Entities to meet their RDOF deployment milestones for voice and broadband Internet services in the RDOF Census Blocks and by allowing customers the opportunity to reap the benefits of Charter's broadband services, including by participating in telemedicine, remote work and remote education. Expedited Commission action would serve the public interest and advance the goals of universal service by expediting the deployment of high quality, innovative voice and broadband Internet services in these unserved portions of South Carolina.²⁵

IV. THE CHARTER ENTITIES' FINANCIAL AND TECHNICAL QUALIFICATIONS

Charter is one of the nation's leading providers of broadband Internet access services and voice services, and Charter has played a significant role in expanding the availability of these

²⁴ See *Auction 904 Results Notice*, at ¶ 36.

²⁵ The Commission has granted expedited review on identical grounds for other entities seeking ETC designation for purposes of securing support from other similar federal Universal Service Fund ("USF") programs. See Amended Order Granting Expedited Review and Designating HTC as an ETC in Certain Census Blocks in South Carolina, *In Re Application of Horry Telephone Cooperative, Inc. for Designation as an ETC in Certain Census Blocks in Georgetown and Marion Counties for Purposes of Receiving Federal Connect America ("CAF") Phase II Support*, Docket No. 2018-346-C, Order No. 2019-48(A) at ¶4, p. 24 (S.C.P.S.C. Jan. 25, 2019) (hereinafter, "Commission HTC ETC Order").

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services—especially broadband Internet access services—across the United States. Indeed, the Charter Entities and their affiliates currently provide high-quality voice and broadband services to approximately 26.8 million residential Internet access service customers and 9.3 million residential voice service customers in 41 states, including many in rural and “high cost” areas.

Each Charter Entity is highly qualified to meet the FCC’s RDOF service obligations given Charter’s proven track record of financial, managerial, technical and commercial success operating as an existing provider of broadband Internet and voice services. In 2019, Charter generated over \$45 billion in revenue from the provision of all of Charter’s services, along with approximately \$6.5 billion in income from its operations.²⁶ The Charter Entities will draw upon Charter’s financial capability and extensive teams of experienced engineers with expertise in the fields of communications technology, hardware design, software development, data analytics, and networking to construct and/or install the networks and infrastructure necessary to provide the required services in the RDOF Census Blocks. Additionally, the Charter Entities will leverage the significant operational, managerial and technical expertise of Charter to perform all billing, installation, customer service, and other matters related to providing their services in South Carolina. The Charter corporate family has extensive experience managing the technical and customer service-related issues associated with the provision of mass-market consumer voice and broadband Internet access (as well as other communications services). Charter monitors its network performance on a 24/7/365 basis and has implemented procedures to leverage its extensive engineering resources quickly and effectively to install, modify, repair, and/or restore services, as necessary.

²⁶ 2019 Annual Report. Charter Communications, Inc., <https://ir.charter.com/financial-information/annual-reports> (last visited Dec. 28, 2020).

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This expertise made it possible for CCO Holdings to confidently participate in the RDOF auction with the certainty that each Charter Entity will be able to fulfill its RDOF network and service obligations.

V. EACH CHARTER ENTITY MEETS ALL FEDERAL AND STATE STATUTORY AND REGULATORY REQUIREMENTS FOR ETC DESIGNATION

Each Charter Entity meets all applicable federal and state requirements for designation as an ETC in South Carolina, including 47 U.S.C. § 214(e), 47 C.F.R. §§ 54.201 *et seq.*, and S.C. Code Regs. 103-690.

A. Each Charter Entity Meets All Federal Requirements for ETC Designation

Each Charter Entity meets all criteria for designation as an ETC under federal law, as follows.

1) For purposes of its ETC designation, each Charter Entity will operate as a common carrier and offer interstate and intrastate communications on a common carrier basis in its respective RDOF Census Blocks. Designation as an ETC is a predicate to each Charter Entity's eligibility to receive RDOF support to provide voice and broadband Internet services in its respective RDOF Census Blocks (47 U.S.C. § 214(e)(1); 47 C.F.R. § 9.3; 47 C.F.R. § 54.201(d)).

2) Charter is a facilities-based broadband Internet access and voice service provider, with its own network, gateways, switching facilities, and other associated facilities. Each Charter Entity will offer the RDOF supported services using its own facilities within the meaning of the FCC's rules or a combination of its own facilities and resale of another carrier's services (47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1)) within its respective RDOF Census Blocks.

3) As required by 47 C.F.R. § 54.101, each Charter Entity, either directly or through an affiliate, will offer voice services and broadband Internet access services supported by federal

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universal service support mechanisms, including the following capabilities within its respective RDOF Census Blocks:²⁷

Voice Grade Access to the Public Switched Telephone Network – Each Charter Entity meets this requirement through the provision of a competitive voice service that includes minutes of use for local service provided at no charge to end users and access to emergency services via 911 or E911, wherever available from local government or public safety organizations.²⁸ Toll limitation services will also be offered to qualifying low income consumers as provided in the FCC’s rules (47 C.F.R. § 54.101(a)(1)) in the RDOF Census Blocks.

Broadband Internet Access Service – Charter’s broadband Internet access service provides the capability to transmit data to, and receive data from, all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service (47 C.F.R. § 54.101(a)(2)) in the RDOF Census Blocks.

Each Charter Entity commits that these services will be provided consistent with applicable high-cost universal service support rules (47 C.F.R. § 54.101(c)) in the RDOF Census Blocks. Each Charter Entity will also ensure that Lifeline voice and broadband Internet services are offered in accordance with the FCC’s rules in all Census Blocks where the Charter Entity has been assigned RDOF support (47 C.F.R. § 54.101(d)). Moreover, for its Lifeline voice service offering, each Charter Entity will offer to Lifeline-eligible customers a Charter voice service plan, as described above, at the discounted Lifeline voice service rate in the RDOF Census Blocks. This

²⁷ Charter’s broadband Internet access and voice services are provided through subsidiaries controlled and majority owned by Charter. While the entity seeking ETC designation will directly provide the supported Lifeline voice services, different Charter affiliated entities may directly provide the broadband Internet access services and non-Lifeline voice services in the RDOF Census Blocks.

²⁸ See Section I(A) of this Joint Application for a detailed description of Charter’s voice service.

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voice service plan is comparable (if not superior) to the Lifeline voice service offerings of other Lifeline providers in South Carolina.

4) Each Charter Entity will offer its voice service as a standalone service and at rates that are reasonably comparable to urban rates (47 U.S.C. § 254(b)(3); 47 C.F.R. § 54.313(a)(3)) in its respective RDOF Census Blocks.²⁹

5) In its respective RDOF Census Blocks, each Charter Entity will advertise the availability of its universal service offerings and charges for such offerings using media of general distribution (47 U.S.C. § 214(e)(1)(B); 47 C.F.R. § 54.201(d)(2)), and in a manner reasonably designed to reach those likely to qualify for the service (47 C.F.R. § 54.405(b)).

6) Each Charter Entity will provide the supported services throughout its designated RDOF Auction assigned Census Blocks where it has customers (47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d)).

7) Each Charter Entity certifies that, in accordance with 47 U.S.C. § 254(e) and 47 C.F.R. § 54.7(a), it will use federal universal service support only for the provision, maintenance, and upgrading of facilities and services for which the universal service support is intended.

8) Each Charter Entity further certifies that it meets all applicable requirements for designation as an ETC under 47 C.F.R. § 54.202 as follows:

Compliance with Applicable Service Requirements. Each Charter Entity certifies that it will comply with the service requirements applicable to the support that it receives,³⁰ including the requirements of the RDOF Auction.

²⁹ See *RDOF Order*, at ¶ 42.

³⁰ 47 C.F.R. § 54.202(a)(1)(i).

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Ability to Remain Functional in Emergency Situations. Charter has been providing voice and broadband Internet access services to customers on a 24/7/365 basis for almost twenty years. As part of providing these services, it is necessary to have in place contingency plans for emergency situations for each of Charter's major network hubs and/or facilities that are geographically distributed across the United States. These plans contain activation, staffing, escalation, and communication procedures to identify and respond to such emergencies. Additionally, all switching facilities are equipped with independent power generators and sufficient fuel to operate for several days to mitigate commercial power outages. The design of these facilities contains multiple levels of redundancy and autonomy that also mitigate the need for dedicated human interaction. The Charter Entities will apply this successful model to their RDOF services in the RDOF Census Blocks.

B. Each Charter Entity Meets All State Requirements for ETC Designation

Commission Regulation 103-690.C provides the requirements for initial designation as an ETC. These regulations generally tracked the corresponding federal regulations at the time the state regulations were promulgated in 2008, but since that time, the federal regulations have changed, and some state-specific requirements may no longer be applicable. Therefore, in accordance with the Commission's requirements for ETC designation, each Charter Entity states as follows:

- 1) Each Charter Entity commits to providing service throughout its respective RDOF Census Blocks to all customers making a reasonable request for service, as required by R. 103-690.C.(a)(1)(A).
- 2) Each Charter Entity requests a waiver of R. 103-690.C.(a)(1)(B), the Commission's requirement to provide a two-year service improvement plan as an exhibit to this Joint Application.

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The Commission may waive a rule or regulation where appropriate upon a finding that such waiver is not contrary to the public interest.³¹

As noted, the Commission’s ETC regulations generally track the corresponding federal ETC regulations as of the date that the state regulations were promulgated. The filing of a two-year service improvement plan under the Commission’s regulations mirrors the requirement, although for a shorter amount of time, in Section 54.202 of the FCC’s rules that applicants for ETC designation submit a five-year service improvement plan.³² The FCC, however, waived the requirement that RDOF Auction winning bidders seeking ETC designation submit a five-year service improvement plan.³³ The FCC also previously waived the requirement that Connect America Fund (“CAF”) Phase II award recipients submit a five-year plan of their network investments, and the Commission previously granted an ETC application from a CAF Phase II award recipient requesting a similar waiver of this two-year plan requirement.³⁴

Moreover, as an RDOF Auction participant obtaining ETC designation and/or constructing network facilities, each Charter Entity must annually submit Form 481, along with broadband deployment reports, to the Universal Service Administrative Company (“USAC”). The Commission is authorized to access the Charter Entities’ Form 481 filings through USAC,³⁵ as

³¹ S.C. Code Regs. 103-803.

³² 47 C.F.R. § 54.202(a)(1)(ii).

³³ *Auction 904 Results Notice*, at ¶ 36, FN 71, citing *WCB Reminds Connect America Fund Phase II Auction Applicants of the Process for Obtaining a Federal Designation as an Eligible Telecommunications Carrier*, Public Notice, WC Docket No. 09-197 *et al.*, 33 FCC Rcd 6696, at 6699-6700 (WCB 2018) (“ETC Public Notice”).

³⁴ See Commission HTC ETC Order at ¶3, p. 22.

³⁵ See *Connect America Fund; ETC Annual Reports and Certifications*, Report and Order, 32 FCC Rcd 5944, ¶ 15 (2017) (eliminating the requirement for “ETCs to file duplicate copies of Form 481 with the FCC and with states,” but noting that states “will continue to have access to such information through the online database”).

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well as the broadband deployment reporting data that is submitted to USAC's HUBB Portal.³⁶ Form 481 provides financial and operations information that may be used to validate an ETC's use of high cost support funds. Additionally, the HUBB calculates an ETC's progress towards meeting its broadband build-out obligations, including any interim deployment milestones. Accordingly, the availability of the Charter Entities' data provides the Commission with essentially the same information and/or data required in the two-year plan of its network investments.

Consequently, given these FCC waivers, the sufficiency of the available reporting information, and the Commission's past grant of a similar waiver, each Charter Entity respectfully requests that the Commission waive the requirement to file a two-year service improvement plan.³⁷

3) As detailed above in Section V.A of this Joint Application, each Charter Entity is able to remain functional in emergency situations in the RDOF Census Blocks in compliance with R. 103-690.C.(a)(2).

4) Each Charter Entity commits to compliance with applicable consumer protection and service quality standards, in accordance with R. 103-690.C.(a)(3), with respect to its voice services offered in the RDOF Census Blocks. Indeed, Sections I and IV of this Joint Application and elsewhere herein demonstrates that Charter is an industry leader that delivers high quality voice and broadband Internet services to its customers.

5) As demonstrated in Sections I.B. and V.A. and elsewhere in this Joint Application, each Charter Entity offers a local voice plan comparable to that offered by the incumbent carrier

³⁶ See *Wireline Competition Bureau Provides Guidance to Carriers Receiving Connect America Fund Support Regarding Their Broadband Location Reporting Obligations*, Public Notice, 31 FCC Rcd 12900, 12902 (2016) (explaining that "USAC will provide states and Tribal governments with access to location information filed through the end of the prior calendar year"); *In re Connect America Fund*, Order, 32 FCC Rcd 6825, ¶ 3 (2017) (noting that states "recently were able to access through the HUBB portal the Phase II geospatial information reported to USAC").

³⁷ The Commission has waived this requirement on similar grounds for other entities seeking ETC designation. See Commission HTC ETC Order at ¶3, p. 22.

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in the RDOF Census Blocks for which it seeks designation as an ETC, as required by R. 103-690.C.(a)(4).

6) Each Charter Entity respectfully requests a waiver of the equal access requirement at R. 103-690C.(a)(5), which requires an applicant to acknowledge that the FCC “may require” it to offer equal access to long distance carriers. As mentioned, the Commission’s ETC regulations generally track the corresponding federal ETC regulations, and equal access is no longer a requirement under the FCC’s universal service rules, previously existing under 47 C.F.R. § 54.202(a)(5). Additionally, in 2018, the FCC forbore from requiring competitive local exchange carriers, such as the Charter Entities, to provide equal access and toll dialing parity.³⁸ Accordingly, there no longer is a federal requirement that would require a competitive carrier to provide equal access presubscription. Therefore, given the FCC’s repeal of the equal access requirement in the universal service context and the FCC’s grant of forbearance to competitive carriers with respect to their toll dialing arrangements, good cause exists for the Commission to waive the equal access requirement with respect to this Joint Application.

7) Pursuant to R. 103-690.C.(a)(6) and (7), each Charter Entity has provided the affidavit of Adam E. Falk, Senior Vice President, State Government Affairs, an officer of Charter, that (i) each Charter Entity will offer the RDOF supported services by using its own facilities or a combination of its own facilities and resale of another carrier’s services, and (ii) each Charter Entity will advertise the availability of and charges for its universal service offerings, including Lifeline, using media of general distribution.

³⁸ See *Nationwide Number Portability; Numbering Policies for Modern Communications*, Report and Order, WC Docket Nos. 17-244, 13-97, 33 FCC Rcd 7153 (2018).

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8) Each Charter Entity seeks ETC designation to serve its respective RDOF Census Blocks set forth at **Exhibits A and B**. Because the FCC awarded RDOF funding on a Census Block basis, each Charter Entity requests a waiver of R. 103-690.C.(b) to the extent it would prohibit the designation of the Charter Entities as an ETC in an area smaller than a wire center. The FCC targeted RDOF Auction funding at the Census Block level. In accordance with 47 U.S.C. § 254(e) and 47 C.F.R. § 54.7(a), each Charter Entity may only use the federal universal service support provided under the RDOF Auction for the provision, maintenance, and upgrading of facilities and services for which the universal service support is intended. Consequently, each Charter Entity may only utilize its RDOF Auction support to serve the RDOF Census Blocks associated with its winning RDOF Auction bids. Denying ETC designation at the Census Block level would likely result in those Census Blocks awarded RDOF Auction support in the state remaining unserved.³⁹ The Commission previously granted an ETC application from a CAF Phase II award recipient requesting a similar waiver of this wire center requirement based on the FCC awarding CAF Phase II funding on a Census Block basis,⁴⁰ and Commission grant of the requested waiver to the Charter Entities is appropriate under these circumstances. Therefore, the Charter Entities respectfully request that the Commission waive that portion of R. 103-690.C.(b) that provides that the Commission shall not designate an ETC service area smaller than an entire wire center.

VI. DESIGNATION OF EACH CHARTER ENTITY AS AN ETC IS IN THE PUBLIC INTEREST

³⁹ The purpose of RDOF is “[t]o ensure continued and rapid deployment of broadband networks to unserved Americans.” *RDOF Order* at ¶ 5. To this end, RDOF targets funding to unserved census blocks. *Id.* at ¶ 9. A census block is considered “unserved” when it lacks access to 25/3 Mbps broadband service. *Id.*

⁴⁰ See Commission HTC ETC Order at ¶4, p. 22.

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As a winning bidder in the RDOF Auction, each Charter Entity is eligible to receive funding to bring high-quality, innovative voice and broadband Internet access services to consumers in unserved portions of South Carolina. The RDOF funding assigned to each Charter Entity will help enable it to “[b]ring digital opportunity to Americans living on the wrong side of the digital divide,”⁴¹ and thereby advance the goals of universal service. Expedited Commission action on this Joint Application serves the public interest by accelerating the deployment of high-quality, innovative voice and broadband Internet access services in unserved portions of South Carolina that the Charter Entities and its affiliates will serve in the RDOF Census Blocks.

A. Broadband Deployment Will Promote New Investment, Job Growth and Opportunities in South Carolina

Bringing broadband to unserved areas of South Carolina has been a major priority of the Governor and state lawmakers. In a statement from this year’s executive budget summary, Governor Henry McMaster said of the importance of broadband, “Broadband connectivity is a powerful catalyst for economic and social advancement. It is no longer a luxury – it is a necessity, critical to ensuring a level playing field for those in rural areas.”⁴² Granting this Joint Application will serve the state’s goal of creating such a level playing field and the public interest through the deployment of broadband Internet and voice services to unserved high-cost areas in South Carolina. Deployment of those services will spur investment in facilities and equipment and promote new economic opportunities and job growth in South Carolina.

Designating the Charter Entities as ETCs will permit them to receive RDOF Auction funds for 11,936 Census Blocks in South Carolina, directly advancing the goals of the RDOF Auction

⁴¹ *RDOF Order*, at ¶ 1.

⁴² Office of South Carolina Governor, Executive Budget Summary for Fiscal Year 2020-21 (2020), <https://governor.sc.gov/sites/default/files/Documents/Executive-Budget/Exec%20Budget%20Statement%2020-21%20FINAL.pdf> (last visited Dec. 31, 2020).

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and universal service in those RDOF Census Blocks. Moreover, the more than \$1.2 billion of RDOF funding assigned to Charter, which includes more than \$112 million in South Carolina, will help enable it to expand the availability of Charter's network and services throughout Charter's service areas, including in South Carolina, as discussed in Exhibit H. Charter's deployments will bring expanded voice and broadband connectivity to these areas, many of which are rural and less densely populated in South Carolina, which will help close the digital divide for residents of the state and expand economic opportunity and job growth in communities that will benefit from increased connectivity. Because granting this Joint Application will allow each Charter Entity to use its respective RDOF funds as intended to expand voice and broadband Internet access services in its respective RDOF Census Blocks in South Carolina, designating each Charter Entity as an ETC is in the public interest.

B. Access to Broadband Will Transform Rural and Unserved Areas

The availability of Charter's RDOF supported broadband Internet access services and voice services will have a transformative effect on the unserved and/or rural areas in the RDOF Census Blocks. Charter is committed to expanding access to this life-changing connectivity that will enable consumers to use new technologies, such as distance education, telemedicine, live streaming video, or interactive programming (e.g., a Zoom call). These technologies will create new opportunities for consumers in education, healthcare, business, and civic engagement activities. For example, with access to an online network made available through a Charter broadband Internet connection, an individual may start their own business or take online classes in pursuit of an education. Similarly, local businesses, through use of Charter's broadband Internet and voice services, may connect to vendors and employees, grow their sales, and create new jobs.

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In short, Charter's broadband Internet access and voice services will enhance the opportunities available to the consumers served by each Charter Entity in its respective RDOF Census Blocks.

C. The Public Will Benefit from Charter's Experience as a Lifeline Voice Service Provider

Charter and its subsidiaries have substantial experience in providing Lifeline voice services to low income consumers and communities, which provides the Charter Entities with important familiarity with the FCC's Lifeline program and with the interactions necessary with the Universal Service Administrative Company, the National Lifeline Accountability Database, and other third party Lifeline administrators. These experiences will facilitate each Charter Entity's swift offering of Lifeline voice services for qualifying low-income customers in the Census Blocks where such Charter Entity receives RDOF support in South Carolina.

D. The Public Will Benefit from Charter's Customer-Oriented Policies, Such as Those During The COVID-19 Pandemic

At the onset of the COVID-19 pandemic, Charter joined other telecommunications providers in the Keep Americans Connected Pledge. As part of that effort, Charter voluntarily committed to suspend collections and not charge late fees or terminate service for residential or small business customers who informed Charter that they were experiencing COVID-related economic challenges. Charter extended its commitment through June 30th. During that time, Charter kept connected approximately 700,000 customers who had difficulties meeting bills because of COVID-related economic hardship. Charter has also forgiven approximately \$85 million in customer overdue balances.

Additionally, as schools across the country began to transition to remote learning in March, Charter took action to benefit students, faculty and families. Charter committed to offering broadband Internet service up to 200 Mbps for free for sixty days, including in-home Wi-Fi and a

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self-installation kit, to households with K-12 and/or college students or educators who did not already have a Charter broadband Internet service subscription for sixty days. Charter extended this offer through June 30th and, by the end of the 2020 school year, Charter was able to help nearly 450,000 students and teachers nationally continue schooling through remote learning. To help ease the strain for families and teachers who still lacked broadband, Charter relaunched its Remote Education Offer beginning on September 21, 2020.

Furthermore, for schools and school districts seeking to establish a centralized purchasing arrangement for the benefit of both students and teachers to support remote learning, Charter currently offers Stay Connected K-12 throughout the Charter footprint. Under Stay Connected K-12, Charter contracts directly with schools and school districts to assist them in offering high-speed broadband Internet access to students, educators and staff in their homes. Charter's Stay Connected K-12 is designed as a single-payer option for communities to allow payment by a school or school district, based upon the number of connections purchased. This partnership between Charter and the school or school district helps to ensure that learning, teaching, and working are uninterrupted by giving schools and school districts the flexibility to add students to the program, when needed, and to provide much needed in-home broadband Internet connectivity.

Lastly, recognizing the importance of digital skills during this time of unprecedented volume in distance learning and remote working, Charter has doubled the amount of funds available for its Spectrum Digital Education Grants for 2020-21.⁴³ These customer-oriented policies, along with others that Charter implements from time to time, will enhance the choices

⁴³ See *Spectrum Digital Education Grant*, Spectrum, <https://corporate.charter.com/digital-education/grants> (last visited Dec. 13, 2020).

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and capabilities available to the consumers served by each Charter Entity and its affiliates in its respective RDOF Census Blocks.

E. The Public Will Benefit from Each Charter Entity’s Advanced Service Offerings

Designating each Charter Entity as an ETC in its respective RDOF Census Blocks will promote the deployment of advanced voice and broadband Internet services in these areas. Charter is widely recognized as a premier provider of voice and broadband Internet offerings that relies on advanced systems, technologies, and infrastructure. Charter provides voice and broadband Internet services to approximately 26.8 million residential Internet access service customers and 9.3 million residential voice service customers in 41 states. Its investments have enabled it to offer minimum download speeds of at least 200 Mbps in 60% of Charter’s national footprint, and 100 Mbps everywhere else in the footprint—including households and small businesses in rural areas. On December 17, 2020, Charter announced that it plans to double Charter’s broadband Internet access service starting speeds in 17 U.S. markets, including portions of Southeastern South Carolina near Hilton Head Island, making 200 Mbps the starting flagship speed in 75% of Charter’s communities. These speed enhancements will be available to new customers immediately. Existing customers will receive these speed increases with new Charter broadband Internet access service packages during the first quarter of 2021.⁴⁴

Charter also offers a 1 Gbps connection with maximum download speeds of up to 940 Mbps to the vast majority of those same households, as well as to small and medium-sized businesses. Charter’s broadband Internet service offerings enable customers “to use tomorrow’s

⁴⁴ See *supra* note 16.

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Internet applications as well as today's.”⁴⁵ These levels of service will be made available to consumers in each Charter Entity's RDOF Census Blocks, as well.

VIII. CONCLUSION

For the reasons stated herein, each Charter Entity respectfully requests that the Commission designate it as an ETC in its respective RDOF Census Blocks as identified in Exhibits A and B by no later than April 15, 2021 and order such other relief as may be appropriate.

Respectfully submitted,

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⁴⁵ RDOF Order, at ¶ 2.

LIST OF EXHIBITS

Affidavit

Exhibit A – List of Census Blocks Where Charter Fiberlink SC-CCO, LLC was Assigned RDOF Auction Support

Exhibit B – List of Census Blocks Where Time Warner Cable Information Services (South Carolina), LLC was Assigned RDOF Auction Support

Exhibit C – Map of Census Blocks Where the Charter Entities were Assigned RDOF Auction Support

Exhibit D – Copy of Charter Fiberlink SC-CCO, LLC's South Carolina Secretary of State Registration

Exhibit E – Copy of Time Warner Cable Information Services (South Carolina), LLC's South Carolina Secretary of State Registration

Exhibit F – Copy of Charter Fiberlink SC-CCO, LLC's Authorization to Provide Competitive Local Exchange Services in South Carolina

Exhibit G – Copy of Time Warner Cable Information Services (South Carolina), LLC's Authorization to Provide Competitive Local Exchange Services in South Carolina

Exhibit H – RDOF Funding Information (**Confidential – Redacted**)